

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**DENA R. POTTER**

**Plaintiff,**

**vs.**

**THE ASSOCIATED PRESS,**

**Defendant.**

**Civil Action No. 3:15CV038(MHL)**

**DECLARATION OF JAY WARD BROWN**

I, Jay Ward Brown, declare as follows:

1. I am a partner in Levine Sullivan Koch & Schulz, LLP, counsel for Defendant The Associated Press (“AP”) in this action. I submit this Declaration in support of Defendant’s Motion to Dismiss pursuant to Rules 8 and 12(b)(6) of the Federal Rules of Civil Procedure.

2. Attached hereto as Exhibit 1 is a true and correct copy of the indictment in *United States v. Caramadre*, No. CR11-186-OIS, filed in the U.S. District Court for the District of Rhode Island on November 17, 2011, which I obtained from PACER.

3. Attached hereto as Exhibit 2 is a true and correct copy of the AP NewsAlert transmitted by Plaintiff Dena R. Potter on October 9, 2013, which I obtained from the business records of the AP.

4. Attached hereto as Exhibit 3 is a true and correct copy of the erroneous report regarding Terry McAuliffe transmitted on October 9, 2013, as published online by USA TODAY and updated to reflect the report’s retraction, available at:

<http://www.usatoday.com/story/news/politics/2013/10/09/mcauliffe-virginia-governor-candidate-misled-investigators/2956889/>.

5. Attached hereto as Exhibit 4 is a true and correct copy of the “kill notice” sent to AP member news organizations on October 9, 2013, retracting the erroneous report regarding Mr. McAuliffe, which I obtained from the business records of AP.

6. Attached hereto as Exhibit 5 is a true and correct copy of a statement by AP Executive Editor Kathleen Carroll that I am informed Ms. Carroll read during a conference call with AP employees on October 24, 2013, which I obtained from the business records of AP.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 28th day of January, 2015.

/s/  
Jay Ward Brown